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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-eighth session

SUMMARY RECORD OF THE 1142nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 6 March 1996, at 10 a.m.

Chairman: Mr. BANTON

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Eleventh and twelfth periodic reports of Finland (CERD/C/240/Add.2) (continued)

1. At the invitation of the Chairman, the members of the Finnish delegation resumed their seats at the Committee table.

2. Mr. VALENCIA RODRIGUEZ welcomed the public debate on the Convention that had been held during the preparation of the report of Finland (see para. 9 of the report), the establishment of a new Advisory Board for Refugee and Migrant Affairs, and the reinforcement of the legal status of the Advisory Board for Romany Affairs. The Committee hoped to be kept informed of the activities undertaken by those bodies with the aim of combating racial discrimination.

3. He noted that the Government had submitted a bill amending the Constitution so as to incorporate the principle that the rights enshrined in human rights instruments to which Finland was a party should apply to all persons residing in Finland, regardless of their nationality (para. 44). However, the revised version of article 5 of the Constitution did not explicitly mention the race or national or ethnic origin of the persons whom that article was supposed to protect (para. 45).

4. With regard to the reform of the Penal Code, he noted that the amendment to article 5, concerning incitement to discrimination, which had not been accepted, could have broadened the scope of the protection afforded against such acts and it would be useful to know how that provision was implemented. On the other hand, he welcomed the adoption of the amendment to article 6 of chapter 12, under which any discrimination on the grounds of race or national or ethnic origin was now prohibited in a number of sectors, such as trade, public service and public entertainment.

5. With regard to the Saami people, the legislative changes which conferred on that group the right to use its language, notably in dealings with the authorities, were commendable. It was to be hoped that the Government would ensure that the Saamis were able to exercise that right in practice. It would also be interesting to have more details on the revision of the legislation concerning reindeer husbandry and the Wilderness Act of 1991, to which reference had been made in paragraphs 59 and 60 of the report. With regard to the measures taken to develop teaching of the Saami language (paras. 64 and 65 of the report), the Committee had no doubt that the Government would succeed in overcoming the practical obstacles that were impeding achievement of that goal.

6. Concerning the Romanies, it was to be hoped that the Government and the Advisory Board for Romany Affairs would succeed in their endeavours to reduce the very high school drop-out rate among Romany children, to effectively combat the discriminatory attitude of other schoolchildren towards them and to

develop teaching of the Romany language. Finally, there was a need to simplify the procedure that Romany victims of discrimination must follow in order to enforce their rights.

7. Mr. YUTZIS (Country Rapporteur) said that the Committee on the Rights of the Child had been relatively harsh in its judgement of the manner in which the children of ethnic minorities were treated in Finland. Those children were apparently exposed to hostile behaviour on the part of the teaching and administrative staff of schools, did not fully enjoy the right to medical care and, in some cases, had to pass a language proficiency examination before being admitted to vocational schools. He was also concerned at the manner in which family reunification was being obstructed, the requirement, introduced in August 1995, for DNA tests and the expulsion of three Somali children in February 1994.

8. With regard to the implementation of article 4 of the Convention, he noted that draft article 8 of chapter 11 of the Penal Code applied to persons who incited others to racial hatred, but not to organizations or groups which did the same. In that connection, he recalled that, in the city of Turku and elsewhere, Nazi groups had organized meetings which the public authorities had done nothing to prevent. Magazines vindicating Western white culture, as opposed to other cultures, were also published.

9. In its next report, Finland should provide more detailed information on the implementation of article 5 in the fields of health, housing, employment and teaching as it affected the racial or ethnic minorities. To that end, it would also be interesting to know whether Bill HE 309 of 1993, concerning the fundamental rights of all, had been enacted.

10. Concerning the implementation of article 6 of the Convention, paragraph 50 of the report indicated that charges were very rarely brought in cases of racial discrimination. That was regrettable since, although criminal proceedings would not in themselves suffice to eliminate racial discrimination, they could at least contribute to that goal. Paragraph 86 of the report stated that acts of xenophobia were only of a sporadic nature. In his view, the problem might be much more deeply-rooted; he hoped that the Finnish Government would take effective measures to combat the disturbing increase in xenophobia which was threatening the entire social fabric. It would also be useful to conduct multidisciplinary surveys to obtain a better idea of the extent of the problem.

11. Mr. de GOUTTES thanked the Finnish delegation for the information it had given the Committee, but nevertheless regretted that the twelfth report had been submitted belatedly. He shared the views expressed by Mr. Valencia Rodriguez concerning the public debate that had been held during the preparation of the report and concerning the establishment or reinforcement of the bodies responsible for the protection of minorities and refugees. In that regard, there seemed to be a connection between the exceptional growth in the foreign population during the past five years and the increase in xenophobia. It would therefore be interesting to know the exact number of foreigners, since they amounted to 56,000 according to the Government and 67,000 according to the Finnish League for Human Rights.

12. Concerning article 2 of the Convention, the Finnish delegation might wish to provide details of the regulations governing journalistic practices in regard to information relating to minorities, to which reference was made in paragraph 30 of the report.

13. On the subject of the implementation of article 4 of the Convention, he pointed out that draft article 8 of chapter 11 of the Penal Code was more restrictive than the present article 5 of chapter 13, as could be seen from paragraph 38 of the report, since it laid down further conditions for the conviction of persons making racist remarks in public: such remarks must not only be intended to "cause violence, hostility or discrimination" but must also be "likely to produce the said consequences". Furthermore, the same article reduced the penalty of imprisonment prescribed for such acts to one year, whereas it had previously been two years. Such a reduction might be interpreted as an attenuation of the prohibition of racist acts.

14. In paragraph 85 of the report, the Government acknowledged that foreigners and members of minorities faced obstacles if they wished to bring a criminal action in the event of discrimination. It would be interesting to know what measures the Government intended to take to remove those obstacles, whether the organizations defending the victims of discrimination could bring a civil action and whether the victims were entitled to legal aid.

15. Finally, it would be useful to have statistical data concerning recent trends in the number of complaints and prosecutions in respect of discrimination and to know whether any steps had been taken to implement the idea of appointing an ombudsman against ethnic discrimination.

16. Mr. CHIGOVERA said that, according to the Finnish League for Human Rights, the Government had, at least initially, reacted quite weakly to the rise in racism. For example, in response to the Archbishop of the Lutheran Evangelical Church, who had stated in 1990 that he regarded racism as a sin, the President of the Republic had said that he had never heard of such a sin. Moreover, the Government had apparently remained relatively passive in the face of the campaigns launched by the opponents of the 1995 Act designed to protect the rights of the Saamis.

17. Again, according to the above-mentioned NGO, the laws in force were not sufficient to protect the Romanies effectively against the acts of discrimination to which they were subjected by the municipal authorities. For example, a municipality had apparently refused to rent a dwelling to a Romany couple on the pretext that that would have disturbed the other residents. Moreover, the Romanies were allegedly under special police surveillance. It was also difficult for them to enter restaurants, in spite of the penalties that had in some cases been imposed on persons who had denied them access. It might be asked, therefore, whether the existing laws, and particularly the penalties they prescribed, were sufficient to guarantee the rights of the Romanies.

18. He shared the views expressed by Mr. de Gouttes concerning paragraphs 38 to 40 of the report and felt that the new provisions of the Penal Code were insufficient to give full effect to the provisions of article 4, under the terms of which States parties were required to ban organizations that incited

to racial discrimination. According to the Finnish League for Human Rights, overtly racist publications were offered for sale, virtually with full impunity, in bookshops.

19. Finally, it would be interesting to know whether the police recruited members of minorities. If that were not the case, it would be easier to understand the difficult relations between the police and minorities, as well as the reluctance of the police to investigate acts of racial discrimination.

20. Mr. DIACONU expressed surprise at the belated submission of the twelfth periodic report of Finland but congratulated the delegation on the frankness with which it had portrayed the situation prevailing in the country. Finland was a democratic country that enjoyed great political stability and the Committee was therefore entitled to be demanding in regard to it. He was concerned at the acts of racial violence, particularly those committed by skinheads, and wished to know how the Government intended to combat that phenomenon and whether there were any statistics relating to it. He noted with satisfaction that the proposed amendment to the article of the Penal Code relating to discrimination had not been accepted, but nevertheless felt that the present text remained inadequate. The periodic report provided very little information on the implementation of article 4, on which Finland had not expressed any reservation. He wished to know the measures that the Finnish Government had taken against the "National Radical Party", which was disseminating extremist and racist ideas.

21. Concerning the Saamis, he was concerned at the fact that forestry activities were being undertaken on the territory where the Saamis were raising reindeer, and he mentioned the complaints that had been sent to the Human Rights Committee on that subject. Finally, he requested fuller information on the minorities living in the autonomous province of the Åland Islands, on the Russian minority that had recently settled in Finland and on the Romanies.

22. Mr. SHERIFIS said that the detailed report which the Finnish League for Human Rights had transmitted to the Committee contained certain allegations concerning the preparation of the report of Finland on which he would like to have the opinion of the Finnish delegation.

23. He noted with satisfaction that Finland had made the declaration provided for in article 14 of the Convention and had ratified the amendment to article 8, paragraph 6, of the Convention. Finland had also ratified the European Charter for Regional or Minority Languages of the Council of Europe and had adopted significant legislative changes, particularly an enactment concerning the right to use the Saami language in dealings with the authorities.

24. He expressed concern at the resurgence of racial violence in Finland and would welcome information concerning the Swedish-speaking population, which had not been taken into account in the periodic report. He also wished to have details concerning the refugee quotas and the measures the Finnish Government had taken in regard to refugees.

25. In conclusion, he emphasized that, if the Committee was adopting a highly critical attitude towards Finland, a country with which he was familiar and for which he had great esteem, it was because Finland could serve as a model for other countries in regard to the implementation of the Convention.

26. Mr. van BOVEN considered, like other members of the Committee, that article 4 of the Convention was not being implemented in a satisfactory manner in Finland; he wished to know whether specific legislation had been enacted to give effect to the provisions of article 4, paragraph (b). He noted with interest that the excessively restrictive amendment to article 5 of the Penal Code had not been adopted but, like Mr. Diaconu, he thought that the present wording should nevertheless be amended. It would be useful to have details concerning the implementation of that article of the Penal Code and also concerning the revision of article 5 of the Constitution, which should reflect the wording of article 1 of the Convention in a more explicit manner.

27. Although the report contained abundant information on the Saamis and the Romanies, it said virtually nothing about the other minorities, particularly in regard to the rights referred to in article 5 (f) of the Convention. He wished to know why the Finnish Government was not respecting the interim measures that the Human Rights Committee had taken to prohibit the felling of trees on the lands occupied by the Saamis (Länsman et al. v. Finland case). Finally, he requested information concerning the right of victims of racial discrimination to reparation, in accordance with article 6 of the Convention.

28. He noted with satisfaction that Finland had made the declaration provided for in article 14 of the Convention and hoped that measures would be taken to give wide publicity to the procedure in question. He expressed the hope that the International Convention on the Elimination of All Forms of Racial Discrimination had been translated into Finnish and widely disseminated in Finland and that the report of Finland and the conclusions of the Committee would be translated and disseminated in a similar manner.

29. Mr. RECHETOV noted with interest that Finland had adopted a new definition of the Saami people which took into account the latter's linguistic and cultural characteristics. He requested the Finnish delegation to distribute the text of its statement introducing the report, since it contained very interesting information on the Saamis. And like Mr. Sherifis, he would welcome details on the Swedish minority living in Finland, and particularly those in the Åland Islands.

30. Mr. GARVALOV had only one question. He simply wished to know whether the International Convention on the Elimination of All Forms of Racial Discrimination could be invoked directly before a Finnish court.

31. The CHAIRMAN, speaking as a member of the Committee, said with reference to the acts of racial violence that the Finnish Government should take measures to improve the training of police officers at all levels. That was a problem which all European countries were currently facing.

32. Mr. AARNIO (Finland) apologized for the belated submission of his country's twelfth periodic report and assured the Committee that his

Government would endeavour to submit the next report on time. The thirteenth report would also include replies to the questions that the delegation had not had time to answer at the present session.

33. In response to Mr. Yutzis, who had raised the question, he said that the Finnish Government was aware only of the potential effects of decentralization, during a period of recession, on the situation of the minorities; that did not mean that problems would actually arise or had already arisen.

34. The inadequacy of the resources appropriated for translation and interpretation into the minority languages was admittedly a question of political will. However, it could also be explained by financial considerations and the fact that three different Saami dialects were used in Finland.

35. His delegation was not in a position to give a detailed reply to all the important questions that Mr. Yutzis had raised concerning the Romanies, but it had taken careful note of them. The Government was currently preparing special measures to improve the situation of the Romanies. It should be noted that, with effect from April 1996, five provincial advisory boards for Romany affairs would come into operation. Their task would be to monitor the extent to which the rights of the Romanies were respected and to ensure the preservation of their language and culture and the realization of their economic, social, cultural and political rights. The boards would be able to raise questions concerning ethnic conflicts and problems of discrimination and submit proposals to the National Board for Romany Affairs.

36. In reply to the question raised by Mr. de Gouttes, who wished to know the latest figures for the non-Finnish population, he said that about 70,000 immigrants and 13,000 refugees were currently living in Finland. The idea of establishing a post of mediator (ombudsman) against discrimination, based on the Swedish model, was currently being examined by a working group which, to that end, had heard the Swedish mediator against discrimination, as well as representatives of the Romanies and the Saamis.

37. Russian-speakers did not really constitute a minority and, with the exception of a few hundred persons of Russian origin who had settled in the country 200 years before, most of the 20,000 other Russian-speakers were regarded as recent immigrants. The Swedish-speaking population was a de facto rather than de jure minority. Its language was an official language, it shared the same values as the Finnish-speaking population and the Government always comprised one or two ministers belonging to that population group. With regard to the definition of the autonomous Saami people, he explained that the Saamis once again wished to restrict that definition, fearing that the ethnically non-Saami population of Lapland might wish to occupy seats in the Saami parliament. That fear was understandable and the question was currently being debated within the Ministry of Justice.

38. Mr. CORTES TELLEZ (Finland), referring to the changing attitude of Finns towards immigrants and refugees, said that it had been the subject of studies by the Ministry of Education and the Ministry of Social Affairs and Health. Those studies had shown that, in general, the Finns had become more inclined

to view the increase in immigration as a social threat: 19 per cent of them felt that no further refugees should be admitted. City-dwellers, young people and the most highly educated persons manifested more favourable attitudes. There was an obvious link between those feelings and the economic recession and increasing unemployment in Finland.

39. The members of the Committee had said that it was difficult to form an overall impression of the offences and acts of violence committed for social reasons. In fact, there were no national statistics in that regard. However, the police were planning to introduce, in the near future, a surveillance system that would make it possible to compile such statistics, which could be communicated in the next report.

40. On the subject of police training, he said that the two basic courses intended for future police officers included briefings concerning the law on aliens and its practical effects on police work. Police officers also attended courses comprising sociological and psychological components, as well as a seminar on questions concerning aliens. Those who were in regular contact with aliens in the course of their work attended additional special courses.

41. In contrast to many other European countries, there were no large racist parties or organizations in Finland. The racist groups that existed were small, disappeared as quickly as they appeared and had no real political influence. He referred to the case of the National Radical Party, a neo-Nazi party which had claimed to have 107 members a few years before and which, in 1993, had been sentenced to a fine for incitement to racial hatred. Of the publications disseminating racist propaganda, the most violent had been banned, but unfortunately, they often reappeared under a new name.

42. Finally, with regard to the media, there was no legislation governing their activities in that field. Journalists had a code of ethics, the further elaboration of which was under consideration but which already contained guidelines concerning the manner in which questions relating to refugees and immigrants should be treated. In particular, those guidelines prohibited them from mentioning a person's ethnic origin in an article unless the subject-matter of the article made such mention absolutely essential.

43. Mr. KOSONEN (Finland) confirmed that the Convention was directly applicable in Finland, since all the international conventions that Finland had signed had been incorporated in its domestic law. On the whole, the courts attempted to find the solutions that were most favourable to human rights. The associations or organizations referred to in article 4 of the Convention were regulated primarily by the law on associations. Finland had a very large number of associations, which did not need to be registered. However, an association that infringed the provisions of the law or an international convention could be penalized by a temporary or permanent ban on its activities.

44. Referring to the various cases involving the rights of the Saamis which had been brought before the Human Rights Committee, he said that, in the first case concerning the Angeli region, the Länsman et al. v. Finland case, the Human Rights Committee had concluded that there had been no violation of

article 27 of the International Covenant on Civil and Political Rights, but it had also stated that article 27 might be violated in the event of an appreciable expansion of the mining activities in that region. Hence, there was a certain threshold that must not be crossed. The question of that threshold had also been raised in the second case concerning the Angeli region which had been adjudicated by the Finnish courts and was currently before the Human Rights Committee. He could not discuss the measures advocated by the Committee, which were confidential. However, he could refer to the interim measures that the Committee had also proposed, since they had been made public; their aim was to prevent the activities complained of from causing irreparable damage to the environment, and his Government had accepted some of them. With regard to the measures taken to assist Saami families, the Government was devoting considerable resources to the fulfilment of the commitments that it had made and would continue to make.

45. Concerning the countries which Finland regarded as "safe", he mentioned those that had acceded to the Geneva Convention without any reservation of a jurisdictional nature, and the countries of the Council of Europe, since they respected the primacy of the law. Russia and Estonia fell within that category only in regard to their nationals.

46. Mrs. PIETARINEN (Finland) assured the Committee that the severe criticism of Finland by the Committee on the Rights of the Child was currently being debated in Parliament. Some experts had expressed concern at reports to the effect that there were not enough teachers, teaching material and hours of tuition to teach the Saami, Romany and other foreign languages. In fact, in a multidisciplinary high school, immigrants could study their own language - of which there were 40, including Somali, Russian, Vietnamese and English - as a first language and study Finnish and Swedish only as a second language. With effect from 1996, students of foreign mother tongue would be able to sit a final examination in Finnish or in Swedish which would be different from that set for students of Finnish mother tongue. Moreover, in the districts inhabited by Saamis, tuition could be given in Saami up to the secondary level and the municipalities organizing such tuition received subsidies from the Government. In 1995-1996, about 600 students had been able to receive instruction in that language.

47. In reply to the questions concerning the Romanies and their high rates of school drop-out and unemployment, she could already say that plans had been made to provide extra curricular tuition in Romany for two hours a week. Vocational training courses were also held for unemployed persons. The thirteenth report would provide the Committee with a more detailed account of the situation of that minority.

48. Finally, she assured the Committee that her Government was giving wide publicity to the Convention, which had been published in Finnish and Swedish, and the public had access to all the periodic reports, in English and Finnish. The Committee's conclusions would also be considered in the near future by the Advisory Board for International Human Rights Affairs.

49. Mr. ABOUL-NASR said that, not so long before, neither the Committee nor he himself had accepted the argument of some representatives of Muslim countries to the effect that problems of racial discrimination were unknown in

their countries for the simple reason that Islam prohibited such discrimination. For his part, he was equally unwilling to consider a European State as "safe" simply because it was European and, hence, democratic. In fact, not all European States were truly democratic; some of the most serious situations of racial discrimination had occurred in Europe. It would be interesting if Finland could specify, in its next report, which States it regarded as democratic. In what category would it put India, for example?

50. Mr. SHERIFIS requested a reply to the question he had asked about refugee quotas. He also wished to know, in particular, whether the Swedish-speaking community, which was very well integrated in Finnish society, was regarded as an ethnic or a linguistic group. The difference was important, given the aims of the Convention.

51. Mr. de GOUTTES expressed interest in the draft code of conduct for journalists and, in particular, the manner in which questions concerning minorities and racial discrimination should be dealt with, since the media played a very important role in shaping the attitude of the public towards discrimination.

52. The Finnish delegation had referred to cases that had been brought before the Human Rights Committee. He thought that some of those cases - those concerning the impact of industrial activities on the situation and environment of the Saamis, for example - could have been brought before the Committee on the Elimination of Racial Discrimination, thereby enriching the current debate on the question of the purport of certain individual petitions.

53. Mr. CHIGOVERA pointed out that he had not received a reply to his question whether the ethnic minorities were represented in the police force.

54. Mr. YUTZIS (Country Rapporteur) said that, in his opinion, both the periodic report and the oral statement of the representative of Finland showed that, on the whole, article 4 of the Convention was not being implemented in a fully satisfactory manner in Finland. Although progress had undoubtedly been made, the new instruments that had been adopted applied to persons rather than organizations. It was disturbing that non-registered organizations could exist in Finland, and even more so that registered organizations could not be duly punished.

55. He contested the affirmation that Finland was an exception. Such an affirmation implied that the increase in racism and xenophobia was not being taken seriously enough in that country. It was current trends rather than already outdated statistics that needed to be studied in order to assess the situation. In its report, the Finnish League for Human Rights had referred to a survey of the attitude of Finns towards foreigners, which showed that 65 per cent of those over 64 years of age were in favour of the expulsion of foreigners in order to combat unemployment and, even more disturbingly, 61 per cent of the 15-18 year age group, which represented the future of Finland, were likewise in favour of that measure. Since the unemployment rate in Finland had increased from 9 per cent to 20 per cent, the country was faced with a dilemma that had become universal: how to solve the problems of unemployment in a post-industrial society. Finland was no longer an exception.

56. With regard to the distinction that Finland drew between "safe" and other countries, he had been just as surprised as Mr. Aboul-Nasr by the manner in which Finland associated "safe" with "democratic". Although the debate that was currently taking place in Finland on that subject had not been concluded, the representative of the High Commissioner for Human Rights in Sweden had unquestionably been highly critical of the legislation that Finland was preparing to adopt on the repatriation of refugees to their home countries. In fact, refugees who had returned to some allegedly "safe" countries had been severely ill-treated there.

57. With regard to the Saami populations, it should also be noted that the deforestation of their lands was attributable not only to the private sector but also to the State, the argument being that it was not harmful to their culture. In his view, that depended entirely on what was meant by "culture".

58. Finally, he hoped that much more serious multidisciplinary surveys would be undertaken on police training. To the best of his knowledge, there were no mechanisms to monitor and evaluate that training.

59. Mr. KOSONEN (Finland) pointed out that, in order to be admitted to the Council of Europe, a country must be a constitutional State and must have ratified the European Convention on Human Rights, the implementation of which was very closely monitored. However, no country could be said to be perfect.

60. Mr. CORTES TELLEZ (Finland) admitted that, although there was no major political party with racist tendencies in Finland, the country was not totally free from racism. It should be noted, however, that that phenomenon had not assumed an organized form.

61. With regard to public opinion concerning immigrants and refugees, the younger generation was certainly less tolerant than before, but the Government, some NGOs and some groups of immigrants were aware of that fact; a campaign against racism and xenophobia had been launched and endeavours were being made to teach the younger generation to be more tolerant.

The meeting rose at 1 p.m.